

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CARPENTER'S PENSION AND
RETIREMENT SAVINGS FUNDS OF
ILLINOIS,

Plaintiff,

v.

MODERN TILE & CARPET, INC.,

Defendant.

Case No. 06-cv-4087-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Carpenter's Pension and Retirement Savings Funds of Illinois's Motion to Voluntarily Dismiss (Doc. 16) pursuant to Federal Rule of Civil Procedure 41(a)(2). Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal of an entire case from all the parties. Here, Plaintiff asks the Court to dismiss this case with prejudice. Defendant has not responded to the Motion, and the time for response has passed. The Court hereby **GRANTS** the Motion to Voluntarily Dismiss and dismisses this case with prejudice. The Court **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: September 11, 2008

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**